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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,293	12/21/2001	Shuji Sasaki	9683/98	4503

7590 10/21/2004

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EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/037,293	SASAKI ET AL. <span style="float: right;">ST</span>	
	Examiner	Art Unit	
	Kambiz Abdi	3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/14/04, 2/13/03, 5/9/03, 6/21/02</u>                                     | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

1. Claims 1-7 have been examined and are pending.

***Priority***

2. Receipt is acknowledged of papers filed on 4 April 2002 to comply with the requirements of 35 U.S.C. 119(a)-(d) and they have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 5,280,625 to David R. Howarter et al.
5. As per claim 1, Howarter clearly discloses a settlement processing method comprising:
  - transmitting information relating to a sales transaction by a transmitter (See Howarter figure 1, column 3, lines 54-59, column 4, lines 1-13);
  - receiving the information from the transmitter by a satellite (See Howarter figure 4, column 7, lines 54-64 and column 8, lines 3-10);
  - transmitting the received information (where the information corresponds to card information read by a card reader) by the satellite (See Howarter figure 4, column 7, lines 41-68 and column 8, lines 1-10);
  - receiving the information from the satellite by a communications network (See Howarter figures 1, 4 and 8, column 7, lines 54-64 and column 8, lines 3-10);

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- receiving the information from the satellite through the communications network by a settlement unit (Where settlement unit corresponds to host computer)(See Howarter figures 1, 4 and 8, column 7, lines 54-64, column 8, lines 3-10 and column 10, lines 58-65); and
  - processing a settlement of sales transaction (where settlement of sales transaction corresponds to returned verification information) based on the received information by the settlement unit (See Howarter column 11, lines 37-42).
6. As per claim 2, Howarter clearly discloses a settlement processing system comprising:
- a transmitter for transmitting information relating to a sales transaction (See Howarter figure 1, column 3, lines 54-59, column 4, lines 1-13);
  - a satellite for receiving and transmitting the information from the transmitter (See Howarter figure 4, column 7, lines 41-68 and column 8, lines 1-10);
  - a communications network for receiving information transmitted from said satellite (See Howarter figures 1, 4 and 8, column 7, lines 54-64, column 8, lines 3-10 and column 10, lines 58-65); and
  - a settlement unit connected to said communications network, receiving the information transmitted from said transmitter through said satellite and said communications network, and processing the settlement of the sales transaction based on the received information (See Howarter column 11, lines 37-42).
7. As per claim 3, Howarter clearly discloses a settlement processing system as set forth in claim 2, wherein said transmitter is provided with:
- an input device for inputting information (Where input device corresponds to the card reader) relating to settlement processing of the sales transaction (See Howarter column 3, lines 13-27);
- and

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- a satellite communications device (Where satellite communications device corresponds to transmitter receiver) having an interface able to transfer information with said input device and communicating with said satellite (See Howarter column 3, lines 60-68, column 4, lines 1-13).

8. As per claim 4, Howarter clearly discloses a settlement processing system as set forth in claim 3, wherein said satellite communications device transfers information with said input device through said interface at a communications speed commensurate with said input device (See Howarter column 4, lines 8-33).

9. As per claim 6, Howarter clearly discloses a settlement processing system as set forth in claim 3, wherein said transmitter starts a connection operation with said settlement unit through said satellite and said communications network upon the input of a predetermined instruction by an operator of the input device and transmits information relating to the settlement processing of said sales transaction by a transmitting operation by an operator performed after the input of said instruction (See Howarter figure 6 and 7, column 11, lines 13-42).

10. As per claim 7, Howarter clearly discloses a settlement processing system as set forth in claim 3, wherein said settlement unit verifies said input device (See Howarter column 5, lines 16-22 and column 7, lines 36-38, where verification of the card by a host computer).

11. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed

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invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,280,625 to David R. Howarter et al.

14. As per claim 5, Howarter clearly discloses a settlement processing system as set forth in claim 3,

What is not explicitly thought by Howarter is the satellite communications device is a portable mobile unit for satellite communications.

However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make the remote satellite communication device as a portable and mobile device such as a satellite mobile telephone for the motivation of convenience as well as versatility of use. Moreover, as it has been settled to make portable in itself would not render the claim patentable. See *Ranco, Inc. v. Gwynn et al.*, 128 F.2d 437 [54 USPQ 3].

15. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the

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response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

**Conclusion**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9 AM to 5:00 PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

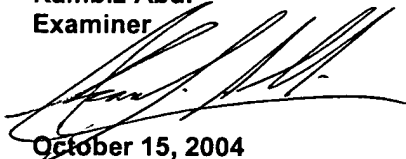
Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington D.C. 20231**

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive  
7th floor receptionist, Arlington, VA, 22202**

**Kambiz Abdi  
Examiner**



October 15, 2004